

| | | |
|--|--|-----------------------------------|
| TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT | | Docket Number (Optional) 10236 |
| <p>In re Application of: Sheppard, et al.</p> <p>Application No. 09/714,332</p> <p>Filed: November 16, 2000</p> <p>For: Improved Lamination Grade Coextruded Heat-Sealable Film</p> | | |
| <p>The owner, <u>ExxonMobil Oil Corporation</u>, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No <u>6,074,762</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 above, if appropriate.</p> <p>1. <input checked="" type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p> _____ Signature</p> <p>December 6, 2002 _____ Date</p> <p>Rick F. James _____ Typed or printed name</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for mailing this certification. See MPEP § 324.</p> | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

12/12/2002 JBALINAN 00000093 051712 09714332

01 FC:1814 110.00 CH

1773/99

TRANSMITTAL FORM

In re Application of: Sheppard, et al.

Serial No.: 09/714,332

Filed: November 16, 2000

Title: Improved Lamination Grade Coextruded
Heat-Sealable Film

Before the Examiner: Sheeba Ahmed

Group Art Unit No.: 1773

Attorney Docket No.: 10236

December 5, 2002

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

[X] The undersigned hereby certifies having information and a reasonable basis for belief that this correspondence will be deposited as first-class mail with the United States Postal Service in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on December 6, 2002.

Susan Engelmann
(Typed or printed name of person mailing paper or fee)

Susan Engelmann
(Signature of person mailing paper or fee)

Transmitted herewith is the Amendment and Response to Office Action dated August 9, 2002 and a Terminal Disclaimer in the above-identified application:

[X] Fee for Amendment and Response to Office Action dated August 9, 2002 is \$0.00.

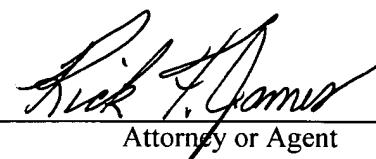
[X] Fee for Terminal Disclaimer is \$110.00.

[X] Charge \$110.00 to Deposit Account No. 05-1712.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 05-1712.

December 6, 2002

Date of Signature



Rick F. James
Attorney or Agent
Rick F. James

Registration No. 48,772
Telephone No. (281) 834-2438
Facsimile No. (281) 834-2911

Post Office Address (to which correspondence is to be sent):
ExxonMobil Chemical Company
Law Technology
P. O. Box 2149
Baytown, Texas 77522-2149